

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ROBERT J. LABONTE,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 18-1784C

(Judge Hertling)

**DEFENDANT'S MOTION FOR AN
ENLARGEMENT OF TIME TO COMPLETE REMAND**

Defendant, the United States, respectfully requests that the Court grant a 71-day enlargement of time, from March 26, 2020, to and including June 5, 2020, for the Army Board for Correction of Military Records (ABCMR or board) to complete the pending remand proceedings. This is our first request for an enlargement of time for this purpose. Plaintiff's counsel's office has advised us that plaintiff opposes this motion and plans to file a response.

The board currently is awaiting a medical advisory opinion that it has requested in connection with the remand. In addition to considering the advisory opinion, we anticipate that the ABCMR will consider various relevant legal issues, including but not limited to whether the board and Army have the authority to grant any relief to Mr. LaBonte. The board intends to provide Mr. LaBonte approximately 15 days to respond to the medical advisory opinion, as well as to make any legal arguments that he wishes to assert. Granting the proposed enlargement of time will provide the board with additional time required for to complete the above process, and to consider any response and arguments submitted by Mr. LaBonte, before the board issues its remand decision.

For these reasons, we respectfully request that the Court: (1) grant the board an enlargement of time, to and including June 5, 2020 to complete the remand; (2) continue the existing stay pending the resolution of the pending remand and until further order of the Court; (3) direct the board to promptly forward by email its decision to plaintiff's counsel of record (at michael.wishnie@ylsclinics.org) and to counsel of record for the United States (at Richard.Schroeder@usdoj.gov), and to forward two copies to the Clerk of the Court as provided by Rule 52.2(d) of the Court's rules; and (4) set a deadline of 14 days after the of the board issues its remand decision for the parties to file a joint status report advising the Court as to what further proceedings may be necessary and to propose a schedule for such proceedings.

Respectfully submitted,

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Director

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Dated: March 20, 2020

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